

## **REMARKS**

In an Office Action dated 15 September 2006, all pending claims 1-35 are rejected on prior art grounds. In reply, Applicant submits the present Response with Amendments and Remarks. The Examiner's various rejections are now addressed in turn.

Claims 1, 8-11, 17-23, 27-30, 32, and 33-35 are rejected under 35 U.S.C. §102(a) as being anticipated by of U.S. Patent No. 6,671,078 to Flanders. Applicant respectfully traverses this rejection.

Referring to Applicant's amended claims 1 and 32, there is recited "at least one transmission path guiding electromagnetic light through said shutter platform which is at least partly defined by means of a masking." Flanders does not teach a shutter at least partly defined by a means of masking. Instead column 5, lines 9-19 (as noted by the Examiner in the Office Action) of Flanders simply teaches a second electrode 110B that allows for additional control of the cantilevered beam 112. As such, Applicant respectfully asserts that this passage of Flanders, and Flanders as a whole, teaches nothing of masking, or application of masking to the platform.

Thus, Flanders does not teach every aspect of Applicant's amended claims 1 and 33. Accordingly reconsideration and withdrawal of the 102 rejections of claims 1 and 33, as well as claims 8-11, 17-23, 27-30, 32, and 34-35 that variously depend therefrom, is respectfully requested.

Claims 5-7 and 24-26 are rejected under 35 U.S.C. §103(a) as being obvious over Flanders, and claims 2-4, 12-16, and 31 are also rejected under 35 U.S.C. §103(a) as being obvious over Flanders in view of United States Patent No. 5,375,139 to Nagasaki. Applicant again respectfully traverses both rejections.

Applicant's amended claim 1 recites a shutter at least partly defined by a means of masking. As was discussed in the 102 remarks above, Flanders does not teach a shutter at

least partly defined by a means of masking. Thus, since Applicant's claims 5-7 and 24-26 depend from claim 1, it is respectfully asserted that claims 5-7 and 24-26 are not obvious over Flanders. Furthermore, since Nagasaki also does not teach a shutter at least partly defined by a means of masking, it does not remedy the deficiencies of Flanders. Therefore, since Applicant's claims 2-4, 12-16, and 31 also depend from claim 1, it is respectfully asserted that claims 2-4, 12-16, and 31 are also not obvious over Flanders.

Furthermore, with reference to Flanders at column 4 lines 4-10, Applicant notes that in the embodiment where a physical hole is not made,

“the optical port region 116 is a part of the substrate that has been antireflection (AR) coated. This implementation is common where the substrate material is transmissive at the wavelengths of interest, such as the infrared between 1000 and 2000 nanometers (nm) in wavelength, in the case of most communications systems.”

This is contrary to Applicant's disclosure, wherein the masking layer may include holes. This is described in Applicant's disclosure at page 20, lines 5-7, which states, “The hole 94, corresponding to holes 14, 34, 44, 54, and 64, is established as a hole in a non-translucent masking layer 95, arranged on top of the microshutter platform.”

In the above described embodiment of Flanders where a physical hole is not made, the substrate material is transmissive at relevant wavelengths. Adding an anti-reflection substrate improves transmission of light at the spot, but still the light is able to travel through the substrate at any position of the substrate. This will inevitably lead to issues with stray light and cross disturbing between single shutters.

Applicant's disclosure addresses these issues by adding the masking. As stated in Applicant's disclosure at page 23, lines 5-9,

“when building on translucent material, it may be advantageous to have a dimming mask on the side of the substrate which is opposite the shutter (shown in the figure), for example. The purpose is to avoid or reduce stray light or other undesired light. The holes in such a mask should be aligned concentrically with the corresponding holes at the shutter side to reduce loss of light.”

As such, the masking amended into claims 1 and 33 an important feature to Applicant's disclosure, in that it aids in solving the above discussed issues. In addition, a person skilled in the art would find nothing in either Flanders or Nagasaki that would lead him to define at least one transmission path at least partially by masking.

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application. If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

By: D. R. G.  
Daniel R. Gibson  
Registration No. 56,539  
CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone: 860-286-2929  
Facsimile: 860-286-0115  
Customer No. 23413

Date: December 15, 2006